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Attorneys for Defendants SURERIDE CHARTER, INC. dba SUN DIEGO CHARTER CO. (erroneously sued as "Sun Diego"), RICH ILLES, and SCOTT MCLEOD (erroneously sued as "Scott McLoud")

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Nour Eddine Elasali, Plaintiff, vs. Sun Diego, Rich Illes, Scott Mcloud, John Swets, Lori Ortiz, Lorenzo Ortiz, DOES 1 - 100, Defendants.	**CASE NO: C 07 cv02272 W (JMA)** **DECLARATION OF DAVINA BLOOM IN SUPPORT OF DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS.** Date: June 30, 2008 Judge: Hon. Thomas J. Whelan Dept: 7 [NO ORAL ARGUMENT PER LOCAL RULE]

I, Davina A. B. Bloom, declare:

1. I am an attorney of record and moving party with respect to the instant Motion to Dismiss. This declaration is prepared in support of Defendants SURERIDE CHARTER, INC. dba SUN DIEGO CHARTER CO. (erroneously sued as "Sun Diego"), RICH ILLES, and SCOTT MCLEOD's (erroneously sued as "Scott Mcloud") (hereinafter collectively referred to as "Defendants") Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's Complaint. I have personal knowledge of the facts set forth herein, and if called as a witness I could competently testify thereto.

2. On May 29, 2008, at about 1:30 p.m. I spoke to a gentleman from the Court regarding the calendaring of said Motion. At this time, the calendar clerk informed me that a "hearing date" of June 30, 2008 would be scheduled, although no oral argument would be heard per the local rule. Additionally, I was informed by the calendar clerk that the Motion to Dismiss had to be filed by June 3, 2008.

3. I testify once again that when Defendant Illes was served with this Federal Complaint, I called Plaintiff to inform him Defendant Illes was served with a Federal Complaint. Specifically, on May 20, 2008, I informed Mr. Elasali that what he did was improper, as he already had filed a State Court Complaint regarding the same set of facts. Furthermore, I informed him that if he did not withdraw his Complaint, and forced Defendants to file a Motion to Dismiss the Complaint he filed in bad faith in Federal Court, then Defendants were going to seek sanctions against Plaintiff. Mr. Elasali's response was that if the Judge ordered him to pay fees to Defendants, then that was "fine."

4. On May 12, 2008, I spoke to Plaintiff via a telephone call at about 2:36 p.m. At this time, I asked Mr. Elasali to provide me with some sort of way that I can serve him with papers in the future, whether it be by e-mail, fax, or a physical address (and not his P.O. Box address) so that we could "personally" serve him, which we intended on doing, as is the normal custom and practice of our firm with the filing of Motions with the Court. He informed me, and my assistant David Michael earlier that day, that the P.O. Box address is all that he had.

5. I deny all allegations in Plaintiff's Oppositions, wherein he states that I "lied" to him. All statement made to Plaintiff Mr. Elasali have been accurate. Such statements were set forth in my previous declaration. All of Plaintiff's allegations regarding being "lied" to are irrelevant to the instant Motion, as it will not change the fact that (1) complete diversity does not exist; (2) the amount in controversy does not exceed $75,000.00; and (3) Plaintiff already has a parallel action filed in State Court.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed in San Diego, California on June 23, 2008.

Davina A. B. Bloom